OPINION 1249

TOXOSTOMA CRISSALE RULED TO BE THE CORRECT ORIGINAL SPELLING OF THE NAME FIRST PUBLISHED AS *TOXOSTOMA DORSALIS* BAIRD, 1858 (AVES)

RULING. — (1) Under the plenary powers it is hereby ruled that *crissale* is the correct original spelling of the name first published in May, 1858 as *dorsale* by Baird, 1858, in the combination *Toxostoma dorsalis.*

(2) The specific name *crissale* Baird, May 1858, as published in the combination *Toxostoma crissalis* (*sic*), and as ruled in (1) above to be a correct original spelling, is hereby placed on the Official List of Specific Names in Zoology with the Name Number 2854.

(3) The specific name *dorsalis* Baird, May 1858, as published in the combination *Toxostoma dorsalis,* and as an incorrect original spelling through the ruling given in (1) above, of *Toxostoma crissale* Baird, May 1858, is hereby placed on the Official Index of Rejected and Invalid Specific Names in Zoology with the Name Number 1119.

HISTORY OF THE CASE Z.N.(S.)2215

An application from Dr John P. Hubbard (*Santa Fe, New Mexico, U.S.A.*) for the validation of *Toxostoma crissale* over *T. dorsalis* was first received on 11 February 1977. Dr Hubbard also asked for an addition to Article 32 of the Code to deal with unintended original spellings. The double application was sent to the printer on 6 October 1978 and published on 31 May 1979 in *Bull. zool. Nom.*, vol. 39, pp. 239–242. Public notice of the possible use of the plenary powers in the case was given in the same part of the *Bulletin* as well as to the statutory serials and to eight general and nine ornithological serials. The application was supported by the late Dr E. Eisenmann as Chairman of the Standing Committee on Ornithological Nomenclature of the International Ornithological Congress on behalf also of a majority of its members; and as Chairman of the American Ornithologists' Union Committee on Classification and Nomenclature on behalf also of all its members (*Bull. zool. Nom.* vol. 37, p. 4). The application was also supported by Dr A. R. Phillips (*Denver Museum of Natural History, Colorado, U.S.A.*). No adverse comment was received.

DECISION OF THE COMMISSION

On 22 November 1982 the members of the Commission were invited to vote under the Three-Month Rule on Voting Paper (1982)21 for or against the proposals set out in *Bull. zool. Nom.* vol. 35, p. 242.

The voting paper reported the decision of the Editorial Committee on the Code not to accept the proposed addition to Article 32. At the close of the voting period on 22 February 1983 the state of the voting on the particular nomenclatural issue was as follows:

Affirmative Votes — twenty-one (21) received in the following order: Melville, Holthuis, Brinck, Savage, Uéno, Mroczkowski, Willink, Sabrosky, Schuster, Corliss, Halvorsen, Kraus, Alvarado, Trjapitzin, Hahn, Cocks, Starobogatov, Bayer, Heppell, Dupuis, Ride. (Dr Uéno wished his vote to be recorded with the majority).

Negative Votes — none (0).

Bernardi was on leave of absence. Welch returned a late affirmative vote. No votes were returned by Binder, Cogger and Lehtinen.

Dupuis commented: 'Il est excellent que le bon sens — en l'espèce les intentions du taxinomiste—prévale sur le formalisme étroit des "Règles". Personnellement j'inclinerais aussi à la modification proposée de l'Article 32'.

ORIGINAL REFERENCES

The following are the original references to the names placed on an Official List and an Official Index by the ruling given in the present Opinion:

crissalis (*sic*) *Toxostoma,* Baird, June 1858, *Proc. Acad. nat. Sci. Philadelphia* vol. 10, pp. 117–118 (corrected pages)

dorsalis (sic), *Toxostoma,* Baird, May 1858, in Henry, T. C., *Proc. Acad. nat. Sci. Philadelphia,* vol. 10, pp. 117–118.

CERTIFICATE

I hereby certify that the votes cast in V.P.(82)21 were cast as set out above, that the proposal contained in that voting paper has been duly adopted under the plenary powers, and that the decision so taken, being the decision of the International Commission on Zoological Nomenclature, is truly recorded in the present Opinion No. 1249.

R. V. MELVILLE
Secretary
International Commission on Zoological Nomenclature
London
24 March 1983